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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,182	03/29/2001	Daniel R. Shepard	NUP-001RE	4816
51414 7590 08/27/2007 GOODWIN PROCTER LLP PATENT ADMINISTRATOR EXCHANGE PLACE BOSTON, MA 02109-2881			EXAMINER TRAN, ANDREW Q	
			ART UNIT 2824	PAPER NUMBER
			MAIL DATE 08/27/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/821,182

Applicant(s)

SHEPARD, DANIEL R.

Examiner

Andrew Q. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on May 25, 2007 (Amendment).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4-13, 18, 19, 21-24, 31-42, 44-46 and 51-71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-13, 18, 19, 21-24, 31-42, 44-46 and 51-71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Objections***

Claims 32, 37, 39, 44 and 46 are objected to because of the following informalities:

In claim 32, line 3, --of-- should be added before "conductive". In claim 37, line 2 and 6, "a." and "b." should be deleted; at line 7, --second-- should be added at the end of the line; and at line 8, "nonlinear elements" should be changed to --rectifiers--. In claim 39, line 1 and 3, "nonlinear elements" should be changed to --rectifiers--. In claim 44, line 3, "first-set address" should be changed to --first-set of conductive--; at line 3, --of-- should be added to the end of the line; and at line 4, "address" should be deleted. In claim 46, line 7, --second-- should be added before "pattern"; and at line 8, 10 and 11, "nonlinear elements" should be changed to --rectifiers--.

Appropriate correction is required.

#### ***Reissue Applications***

The reissue oath/declaration filed with this application is defective (see 37 CFR 1.175 and MPEP § 1414) because of the following:

A supplemental oath/declaration, containing a statement that all errors which are being corrected in the reissue application up to the time of filing of the oath/declaration arose without any deceptive intention on the part of the applicant, is required.

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Claims 4-13, 18-19, 21-24, 31-42, 44-46 and 51-71 are rejected as being based upon a defective reissue oath/declaration under 35 U.S.C. 251 as set forth above.

***Claim Rejections - 35 USC § 102***

Claim 31 is rejected under 35 U.S.C. 102(b) as being anticipated by Waaben et al. (US Pat 3,701,119 hereafter "Waaben"). See Fig. 1.

In claim 31, last two lines, the recitation "wherein the address circuitry comprises a first pattern of rectifiers directly connected to the first set of conductive lines" reads on control circuits 12 with diodes 16, 18 and 20 directly connected to digit lines 14.

Claim 31 is also rejected under 35 U.S.C. 102(b) as being anticipated by Roberts et al. (US Pat 4,608,672 hereafter "Roberts"). See Figs. 1-3.

In claim 31, last two lines, the recitation "wherein the address circuitry comprises a first pattern of rectifiers directly connected to the first set of conductive lines" reads on address decoders 12, 16 and 18 with diodes (eg. diode 198 in Fig. 3) directly connected to word line 54.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Q. Tran whose telephone number is (571) 272-1885. The examiner can normally be reached on Mon - Fri 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard T. Elms can be reached on (571) 272-1869. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Andrew Q Tran  
Primary Examiner  
Art Unit 2824

at  
August 20, 2007